

OFFICIAL FILE
ILLINOIS COMMERCE COMMISSION

ORIGINAL

(File Original and 3 copies)
No. _____

Docket

00-0469

ICC Office Use Only

Please provide the appropriate information in the () areas in the heading below.

Cbeyond Communications, LLC

Application for a certificate of
local and interexchange authority
to operate as a facilities-based local
exchange carrier and a reseller
of interexchange telecommunications
services in the Chicago metropolitan area
in the State of Illinois.

ILLINOIS
COMMERCE COMMISSION
JUN 29 10 42 AM '00
CHIEF CLERK'S OFFICE

**APPLICATION FOR CERTIFICATE TO BECOME A
TELECOMMUNICATIONS CARRIER**
(Use additional sheets as necessary.)

GENERAL

1. Applicant's Name(including d/b/a, if any)

FEIN # 593608337

Cbeyond Communications, LLC ("Cbeyond")

Address: Street 320 Interstate North Parkway

City Atlanta State/Zip Georgia 30339

2. Authority Requested: (Mark all that apply) ☐ 13-403 ☒ 13-404 ☒ 13-405

3. Request for waivers/variances: In applications for exchange service authority under Sections 13-404 or 13-405, waivers of Part 710 and of Section 735.180 of Part 735 are generally requested. In applications for interexchange service authority under Sections 13-403 and 13-404, waivers of Part 710 and Part 735 are generally requested. Please indicate which waivers Applicant is requesting.

☒ Part 710 ☐ Part 735 ☒ Section 735.180 ☐ Other
(Sections 210, 230)

4. In what area of the state does the Applicant propose to provide service?

Applicant initially proposes to provide service in Chicago and the surrounding metropolitan area.

5. Please attach a sheet designating contact persons to work with Staff on the following:

a) issues related to processing this application

Julia O. Strow
Vice President, Regulatory and Industry Relations
320 Interstate North Parkway
Atlanta, Georgia 30339
(678) 424-2400
(678) 424-2500 (facsimile)

b) consumer issues

Robert R. Morrice
Chief Marketing, Sales and Customer Care Officer
320 Interstate North Parkway
Atlanta, Georgia 30339
(678) 424-2400
(678) 424-2500 (facsimile)

c) customer complaint resolution

Robert R. Morrice
Chief Marketing, Sales and Customer Care Officer
320 Interstate North Parkway
Atlanta, Georgia 30339
(678) 424-2400
(678) 424-2500 (facsimile)

d) technical and service quality issues

Robert Sanders
Chief Technical Officer
320 Interstate North Parkway
Atlanta, Georgia 30339
(678) 424-2400
(678) 424-2500 (facsimile)

e) "tariff" and pricing issues

Julia O. Strow
Vice President, Regulatory and Industry Relations
320 Interstate North Parkway
Atlanta, Georgia 30339
(678) 424-2400
(678) 424-2500 (facsimile)

f) 9-1-1 issues

Julia O. Strow
Vice President, Regulatory and Industry Relations
320 Interstate North Parkway
Atlanta, Georgia 30339
(678) 424-2400
(678) 424-2500 (facsimile)

- g) security/law enforcement

Mark Masi
Chief Administrative Officer
320 Interstate North Parkway
Atlanta, Georgia 30339
(678) 424-2400
(678) 424-2500 (facsimile)

Please identify each contact person's (i) name, (ii) title, (iii) mailing address, (iv) telephone number, (v) facsimile number, and (vi) e-mail address, if any.

6. Please check type of organization?

☐ Individual ☐ Corporation
☐ Partnership Date corporation was formed October 22, 1999
In what state? Delaware
☒ Other (Specify): Foreign Limited Liability Company

7. Submit a copy of articles of incorporation and a copy of certificate of authority to transact business in Illinois.

Please see Exhibits A and B.

8. List jurisdictions in which Applicant is offering service(s).

As a start-up company, Cbeyond is not yet providing service in any jurisdiction.

9. Has the Applicant, or any principal in Applicant, been denied a Certificate of Service or had its certification revoked or suspended in any jurisdiction in this or another name?

☐ YES (Please provide details) ☒ NO

10. Have there been any complaints against the Applicant in any other jurisdiction?

☐ YES ☒ NO

If YES, describe fully. _____

11. Will the Applicant keep its books and records in Illinois? ☐ YES ☒ NO

If NO, permission pursuant to 83 Ill. Adm Code Part 250 needs to be requested.

Pursuant to ILL. ADMIN. CODE TIT. 83, § 250.20, Applicant requests a waiver from the Commission of the requirements contained in to ILL. ADMIN. CODE TIT. 83, § 250.10, and requests the authority to maintain its books, accounts, papers, records, memoranda etc. at its company headquarters in Atlanta, Georgia, where all of the personnel responsible for the maintenance of such documentation are located. Establishing and maintaining a location in the State of Illinois solely to keep its books and accounts in Illinois would create a significant additional cost to the Company's operations and would be unduly burdensome. Cbeyond will be

represented by a statutory agent located within the State of Illinois and will provide the Board with access to its books and records upon request.

MANAGERIAL

12. Please attach evidence of the applicant's managerial and technical resources and ability to provide service. This may be in either narrative form, resumes of key personnel, or a combination of these forms.

Please see Exhibit C.

13. List officers of Applicant.

<u>James F. Geiger</u>	<u>President & Chief Executive Officer</u>
<u>Mark A. Masi</u>	<u>Chief Administrative Officer</u>
<u>Robert R. Morrice</u>	<u>Chief Marketing, Sales and Customer Care Officer</u>
<u>Gordon Kerr</u>	<u>Chief Information Officer</u>
<u>Robert Sanders</u>	<u>Chief Technical Officer</u>
<u>J. Robert Fugate</u>	<u>Chief Financial Officer</u>

14. Does any officer of Applicant have an ownership or other interest in any other entity which has provided or is currently providing telecommunications services? ____ YES X NO

If YES, list entity. _____

15. How will Applicant bill for its service(s)? The Applicant will render its own bills and send them directly to its Customers.

16. How does Applicant propose to handle service, billing, and repair complaints?

Cbeyond will provide toll-free, network support to its Customers 24 hours a day, 7 days a week. Robert R. Morrice, Customer Care Officer for Cbeyond, will be in charge of consumer complaints. Cbeyond commits to resolving all customer disputes and outages in a reasonable, timely manner, and to complying with the rules set forth in ILL ADMIN. CODE TIT. 83 § 735.190 for addressing customer disputes.

17. Will personnel be available at Applicant's business office during regular working hours to respond to inquiries about service or billing? X YES ____ NO

18. What telephone number(s) would a customer use to contact your company? (800) 993-7382

19. What are your procedures to prevent unauthorized "slamming" of customers?

Cbeyond will abide by all Illinois rules regarding slamming. As a matter of practice, Cbeyond will use a "Letter of Authorization" for local and long distance service changes and, in compliance with the Illinois Statutes, will provide written notice of the effectuated carrier change to the subscriber.

20. If granted authority to operate as a local exchange carrier, will the applicant abide by the following 83 Illinois Administrative Code Parts: 705, 710, 720, 725, 735, 755, 756, 757, 770, and 772?

 X YES NO (If no, please provide an explanation.)

21. Will the applicant sign and return membership forms to the Universal Telephone Assistance Corporation and the Illinois Telecommunications Access Corporation? X YES NO

FINANCIAL STATEMENTS

22. Please attach evidence of applicant's financial fitness through the submission of its most current income statement and balance sheet, or other appropriate documentation of applicant's financial resources and ability to provide service.

Please see Exhibit D.

TECHNICAL

23. Does Applicant utilize its own equipment and/or facilities? ☒ YES ☐ NO

If YES, please list: Cbeyond owns its own switching equipment and leases transmission facilities/conduit from other local exchange carriers.

If NO, which facility provider(s) 's services does Applicant use?

The Applicant will use the underlying facilities of other interexchange carriers to provide interexchange services to its customers in Illinois. The Applicant is currently in the process of selecting its underlying carrier.

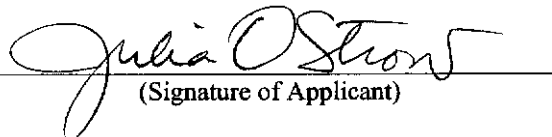
24. Please describe the nature of service to be provided (e.g., operator services, internet, debit cards, long distance service, local service).

The Cbeyond network is designed to provide the integration of traditional voice and data services over an Internet Protocol ("IP") network. The network architecture will leverage emerging technologies such as Real-Time Transport Protocol ("RTP") and Media Gateway Control Protocol ("MGCP") to transport traditional voice services over an IP network. Next generation services such as Soft Switches, Media (Trunking) Gateways, Routers, and Aggregations devices will comprise the major network elements. The voice and data services will be integrated at the Customer Premises through the use of an Integrated Access Device ("IAD"). The IAD will integrate all traffic through either a T1 or DSL interface to the aggregation device. The IP aggregation device can be collocated in the central offices of other telecom carriers as availability and cost effectiveness demands. For a more detailed description of Cbeyond's network, please see its Network Diagram, appended hereto as *Exhibit E*.

25. Will technical personnel be available at all times to assist customers with service problems?
☒ YES ☐ NO

26. If Applicant intends to provide payphone service, will the equipment utilized comply with FCC requirements and Finding (9) of the Commission Order entered in Docket No. 84-0442 on June 11, 1986, including, but not limited to: (a) touch dialing; (b) access to 9-1-1 and "0" operator dialing without use of a coin; (c) rules governing use of payphones by disabled persons; (d) ability to complete local and long-distance calls; (e) unlimited duration for local calls; and (f) a message explaining the telephone's general operations, dialing instructions for emergency assistance, payphone owner's name, method of reporting service problems and method of receiving credit for faulty calls? ☒ YES ☐ NO

The Applicant, however, does not intend to provide payphone services in Illinois.


(Signature of Applicant)

VERIFICATION

This application shall be verified under oath.

OATH

State of _____)
County of _____) ss

Julia O. Strow makes oath and says that she is Vice President, Regulatory and

Industry Relations of Cbeyond Communications, LLC;

that she has examined the foregoing application and that to the best of her knowledge, information, and belief, all statements of fact contained in the said application are true, and the said application is a correct statement of the business and affairs of the above-named applicant in respect to each and every matter set forth therein.

Julia O Strow
(Signature of affiant)

Subscribed and sworn to before me, a Notary Public/

Notary Public, Gwinnett County, Georgia.

My Commission Expires Sept. 10, 2002.

(Title of person authorized to administer oaths)

in the State and County above named, this 23 day of June, 2000, 1999.

Lucy T. Tull
(Signature of person authorized to administer oath)